

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<p><b>RAMIZA DURMIC, DONALD TREANNIE, HEATHER TREANNIE, JEAN LICATA AND ARSENIA RODRIGUES, on behalf of themselves and all others similarly situated,</b></p> <p style="text-align: center;"><b>Plaintiffs,</b></p> <p><b>vs.</b></p> <p style="text-align: center;"><b>J.P. MORGAN CHASE BANK, N.A.</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	) ) ) ) ) ) ) ) ) ) ) ) ) ) )	<p><b>C.A. NO. 1:10-CV-10380-RGS</b></p>
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**MOTION TO PROVIDE NOTICE PURSUANT TO FED. R. CIV. P. 23(d)(1)(B)(i)**

Plaintiffs Ramiza Durmic, Donald & Heather Treannie, Jean Licata and Arsenia Rodrigues, on behalf of themselves and all others similarly situated (“Plaintiffs”) hereby move this Court to provide notice relief pursuant to Fed. R. Civ. P. 23(d)(1)(B)(i) to the Massachusetts homeowners who are putative class members of this action and against whom Defendant J.P. Morgan Chase Bank, N.A. (“Chase” or “Defendant”) has a currently scheduled foreclosure sale, or against whom Chase commences or recommences foreclosure proceedings prior to a decision on the merits of this case. In support of this motion Plaintiffs rely on the accompanying Memorandum of Law and the following averments:

1. On November 24, 2010 the Court issued an Order denying Plaintiffs' motion for a preliminary injunction.
2. Recognizing the concerns of overbreadth articulated by the Court in that decision, Plaintiffs now move for a more targeted form of relief aimed at a similar goal.

3. The relief sought by Plaintiffs consists of a notice to be sent to the Massachusetts owner-occupants who are putative class members in this matter and against whom Chase either has a currently scheduled foreclosure sale, or against whom Chase commences or recommences foreclosure proceedings prior to a decision on the merits of this case.

4. A copy of the proposed notice is attached to the accompanying Memorandum of Law as Exhibit 1. Plaintiffs are willing to negotiate the final form of Notice with Chase for approval by the Court.

5. The goal of such a notice would be to alert the recipient that they may have legal rights of which they are unaware and which may assist them in stopping foreclosure. The notice would inform the recipient that they may wish to review the notice with an attorney and point them toward a website with further information on this litigation.

6. Notice would be required on the first date following the TPP Agreement on which Chase communicates to the affected borrower its intent to commence or recommence foreclosure. If foreclosure sale is already scheduled, Notice would be required as soon as practicable, but in, no event, less than ten (10) days prior to the foreclosure sale date.

7. Plaintiffs are willing to bear the costs of such notice, including the cost of creating and maintaining a new website.

8. Absent the relief requested in this motion putative class members may unnecessarily lose their homes to foreclosure while this action proceeds. Such loss would cause irreparable injury.

Dated: December 7, 2010

Respectfully Submitted  
on behalf of Plaintiffs,  
By their attorneys,

/s/ Gary Klein

Gary Klein (BBO 560769)  
Shennan Kavanagh (BBO 655174)  
Kevin Costello (BBO 669100)  
RODDY KLEIN & RYAN  
727 Atlantic Avenue  
Boston, MA 02111-2810  
Tel: (617) 357-5500  
Fax: (617) 357-5030

Stuart Rossman (BBO 430640)  
Charles Delbaum (BBO 543225)  
NATIONAL CONSUMER LAW CENTER  
7 Winthrop Square, 4<sup>th</sup> floor  
Boston, MA 02110  
Tel: (617) 542-8010  
Fax: (617) 542-8028

Michael Raabe (BBO 546107)  
NEIGHBORHOOD LEGAL SERVICES  
170 Common Street, Suite 300  
Lawrence, MA 01840  
Tel: (978) 686-6900  
Fax: (978) 685-2933

### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF) and paper copies will be sent to those indicated as non-registered participants on December 7, 2010.

/s/ Gary Klein

Gary Klein

**LOCAL RULE 7.1(A)(2) CERTIFICATE**

I, Gary Klein, hereby certify pursuant to Local Rule 7.1(A)(2) that Plaintiffs' counsel consulted with counsel for Defendant before filing the foregoing motion. Defendant opposes the relief sought in this motion.

/s/ Gary Klein  
Gary Klein